

House Study Bill 615 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

A BILL FOR

1 An Act relating to matters under the purview of, and the
2 collection of certain court debt by, the department of
3 transportation, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

RECURRING PAYMENT PLANS

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Section 1. Section 232.142, subsection 6, Code 2016, is amended to read as follows:

6. A juvenile detention home fund is created in the state treasury under the authority of the department. The fund shall consist of moneys deposited in the fund pursuant to sections 321.210B, 321.218A, and 321A.32A. The moneys in the fund shall be used for the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in accordance with annual appropriations made by the general assembly from the fund for these purposes.

Sec. 2. Section 321.40, subsection 9, Code 2016, is amended to read as follows:

9. a. The clerk of the district court shall notify the county treasurer of any delinquent court debt, as defined in section 602.8107, which is being collected by the private collection designee pursuant to section 602.8107, subsection 3, or the county attorney pursuant to section 602.8107, subsection 4, or the department of transportation pursuant to section 602.8107, subsection 4A. The county treasurer shall refuse to renew the vehicle registration of the applicant upon such notification from the clerk of the district court in regard to such applicant.

b. If the applicant enters into or renews an installment agreement as defined in section 602.8107, that is satisfactory to the private collection designee, the county attorney, or the county attorney's designee, or a recurring payment plan as defined in section 321.210B, subsection 15, that is satisfactory to the department of transportation, the private collection designee, county attorney, ~~or a county attorney's designee~~, or department of transportation shall provide the county treasurer with written or electronic notice of the installment agreement or recurring payment plan within five days of entering into the installment agreement or recurring

1 payment plan. The county treasurer shall temporarily lift
2 the registration hold on an applicant for a period of ten
3 days if the treasurer receives such notice in order to allow
4 the applicant to register a vehicle for the year. If the
5 applicant remains in compliance with the installment agreement
6 entered into with the private collection designee or the
7 county attorney or the county attorney's designee, or with the
8 recurring payment plan entered into with the department of
9 transportation, subsequent lifts of registration holds shall be
10 granted without additional restrictions.

11 Sec. 3. Section 321.210A, subsection 1, paragraph b, Code
12 2016, is amended to read as follows:

13 b. Upon the failure of a person to pay the fine, penalty,
14 surcharge, or court costs within sixty days' notice by the
15 clerk of the district court as provided in paragraph ~~"b"~~ "a",
16 the clerk shall report the failure to the department.

17 Sec. 4. Section 321.210A, subsection 2, Code 2016, is
18 amended to read as follows:

19 2. If after suspension, the person enters into an
20 installment agreement with the county attorney, the county
21 attorney's designee, or the private collection designee, or
22 enters into a recurring payment plan with the department, in
23 accordance with section 321.210B to pay the fine, penalty,
24 court cost, or surcharge, the person's license shall be
25 reinstated by the department upon receipt of a report of an
26 executed installment agreement according to the provisions of
27 section 321.210B.

28 Sec. 5. Section 321.210B, Code 2016, is amended by adding
29 the following new subsection:

30 NEW SUBSECTION. 15. a. (1) In lieu of executing an
31 installment agreement pursuant to subsection 1, a person
32 whose driver's license has been suspended pursuant to section
33 321.210A, or who has unpaid civil penalties imposed under
34 section 321.218A, 321A.32A, or 321J.17, may execute a recurring
35 payment plan with the department for the payment of the

1 person's delinquent fines, penalties, court costs, surcharges,
2 or civil penalties, as provided under section 602.8107,
3 subsection 4A, that are not otherwise subject to an active
4 installment agreement executed pursuant to subsection 1 that is
5 not in default. A person who has only unpaid civil penalties
6 may execute a recurring payment plan with the department for
7 payment of the unpaid civil penalties.

8 (2) For purposes of this subsection, "*recurring payment*
9 *plan*" means a payment plan in which the person electronically
10 authorizes automatic monthly payments to the department,
11 in an amount not less than a minimum amount determined by
12 the department, that are made by credit card, debit card,
13 or any other form of payment authorized by the department.
14 The department shall assess to the person, and include in
15 the automatic monthly payment, a fee to cover the cost of
16 collection.

17 b. (1) Upon execution of a recurring payment plan and
18 receipt of the first monthly payment from a person, which
19 shall be made at the time the person executes the recurring
20 payment plan, the department shall terminate all suspensions
21 imposed under section 321.210A and show as satisfied all civil
22 penalties within the scope of the recurring payment plan and
23 shall, upon payment of the reinstatement fee as provided in
24 section 321.191, immediately reinstate the driver's license
25 of the person unless the driver's license of the person is
26 otherwise suspended, revoked, denied, or barred under another
27 provision of law.

28 (2) If a driver's license is reinstated upon an executed
29 recurring payment plan, the driver shall provide proof of
30 financial responsibility pursuant to section 321A.17, if
31 otherwise required by law.

32 c. (1) If the person fails to make two or more consecutive
33 monthly payments, the department shall terminate the recurring
34 payment plan, reinstate all suspensions imposed under section
35 321.210A the basis of which remain unsatisfied under the

1 recurring payment plan, and show as unsatisfied all civil
2 penalties within the scope of the recurring payment plan
3 that remain unsatisfied. A person who executes a recurring
4 payment plan waives the right to appeal or otherwise contest
5 a suspension reinstated under this paragraph "c", but shall
6 have the right to an accounting of the department's application
7 of the funds received to the amount due, and to contest
8 the accounting. A person whose recurring payment plan has
9 been terminated may reactivate the recurring payment plan
10 by electronically affirming the payment plan and resuming
11 payments under the plan. Upon reactivation of the recurring
12 payment plan and receipt of all past-due monthly payments under
13 the recurring payment plan, the department shall terminate
14 all suspensions imposed under section 321.210A and show as
15 satisfied all civil penalties within the scope of the recurring
16 payment plan and shall, upon payment of the reinstatement fee
17 as provided in section 321.191, immediately reinstate the
18 driver's license of the person unless the driver's license of
19 the person is otherwise suspended, revoked, denied, or barred
20 under another provision of law.

21 (2) Notwithstanding section 321.212, a person whose
22 driver's license suspension is reinstated under this paragraph
23 "c" for the sole reason that the person failed to make the
24 required monthly payments shall not be required to surrender
25 the person's driver's license to the department, and may retain
26 the license for identification purposes and, if otherwise
27 valid, use the license for driving purposes upon reactivation
28 of the recurring payment plan and reinstatement of the person's
29 driver's license under this paragraph "c".

30 d. Notwithstanding section 321.16, a person who executed a
31 recurring payment plan with the department shall receive all
32 correspondence related to the recurring payment plan, including
33 any notice of a reinstated suspension of the person's driver's
34 license under paragraph "c", by electronic mail at an address
35 provided by the person. The person shall notify the department

1 of any change in the person's electronic mail address.

2 e. (1) If a new fine, penalty, surcharge, or court cost is
3 imposed on a person after the person has executed a recurring
4 payment plan, and the new fine, penalty, surcharge, or court
5 cost is deemed delinquent as provided in section 602.8107,
6 subsection 2, and the person's driver's license has been
7 suspended pursuant to section 321.210A, the person may add the
8 fines, penalties, court costs, or surcharges not otherwise
9 subject to an active installment agreement executed pursuant to
10 subsection 1 that is not in default to the recurring payment
11 plan.

12 (2) If a new civil penalty is imposed on a person under
13 section 321.218A, 321A.32A, or 321J.17 after the person has
14 executed a recurring payment plan, the person may add the civil
15 penalty to the recurring payment plan, provided the civil
16 penalty is not otherwise subject to an active installment
17 agreement executed under subsection 1 that is not in default.

18 (3) If new fines, penalties, surcharges, court costs, or
19 civil penalties are added to a recurring payment plan under
20 this paragraph "e", the department may recalculate the minimum
21 monthly payment under the recurring payment plan.

22 f. (1) The department shall retain, from the first moneys
23 collected, an amount equal to the amount of any civil penalty
24 assessed pursuant to section 321.218A or 321A.32A included in
25 the recurring payment plan. The department shall transmit
26 the money retained pursuant to this subparagraph (1) to the
27 treasurer of state for deposit in the juvenile detention home
28 fund created in section 232.142.

29 (2) The department shall retain, from the first moneys
30 collected, an amount equal to the amount of any civil penalty
31 assessed pursuant to section 321J.17 included in the recurring
32 payment plan. The department shall transmit the money retained
33 pursuant to this subparagraph (2) to the treasurer of state
34 who shall deposit one-half of the money in the separate fund
35 established in section 915.94 and one-half of the money in the

1 general fund of the state.

2 (3) The department shall transmit any other moneys
3 collected to the state court administrator for distribution
4 under section 602.8108.

5 *g.* The department may adopt rules pursuant to chapter 17A to
6 implement the provisions of this subsection.

7 Sec. 6. Section 602.8107, subsection 1, Code 2016, is
8 amended by adding the following new paragraph:

9 NEW PARAGRAPH. *d.* "*Recurring payment plan*" means as defined
10 in section 321.210B, subsection 15.

11 Sec. 7. Section 602.8107, subsection 3, paragraph b, Code
12 2016, is amended to read as follows:

13 *b.* In addition, court debt which is being collected under an
14 installment agreement or a recurring payment plan pursuant to
15 section 321.210B which is in default that remains delinquent
16 shall remain assigned to the private collection designee if the
17 installment agreement was executed with the private collection
18 designee, or to the county attorney or county attorney's
19 designee if the installment agreement was executed with the
20 county attorney or county attorney's designee, or to the
21 department of transportation if the recurring payment plan was
22 executed with the department.

23 Sec. 8. Section 602.8107, subsection 3, Code 2016, is
24 amended by adding the following new paragraph:

25 NEW PARAGRAPH. *d.* If the court debt in a case is not
26 part of an installment agreement with the private collection
27 designee under contract with the judicial branch pursuant to
28 subsection 5, or the county attorney pursuant to subsection
29 4, the court debt shall be assigned to the department of
30 transportation as provided in subsection 4A sixty days after
31 the court debt has been deemed delinquent if failure to pay
32 the court debt has resulted in the suspension of the person's
33 driver's license pursuant to section 321.210A.

34 Sec. 9. Section 602.8107, Code 2016, is amended by adding
35 the following new subsection:

1 NEW SUBSECTION. 4A. *Collection by department of*
2 *transportation.* The state department of transportation may
3 collect court debt pursuant to a recurring payment plan
4 in accordance with section 321.210B, subsection 15, sixty
5 days after the court debt is deemed delinquent pursuant to
6 subsection 2.

7 a. This subsection does not apply to amounts collected for
8 victim restitution, the victim compensation fund, the criminal
9 penalty surcharge, sex offender civil penalty, drug abuse
10 resistance education surcharge, the law enforcement initiative
11 surcharge, county enforcement surcharge, amounts collected as
12 a result of procedures initiated under subsection 5 or under
13 section 8A.504, or fees charged pursuant to section 356.7.

14 b. Amounts collected by the department shall be distributed
15 in accordance with section 321.210B, subsection 15.

16 Sec. 10. Section 602.8107, subsection 5, paragraph a, Code
17 2016, is amended to read as follows:

18 a. The judicial branch shall contract with a private
19 collection designee for the collection of court debt after
20 the court debt in a case is deemed delinquent pursuant to
21 subsection 2 if the county attorney is not collecting the court
22 debt in a case pursuant to subsection 4 and the department
23 of transportation is not collecting the court debt in a case
24 pursuant to subsection 4A. The judicial branch shall solicit
25 requests for proposals prior to entering into any contract
26 pursuant to [this subsection](#).

27 DIVISION II

28 AUTOCYCLES

29 Sec. 11. Section 321.1, subsection 40, Code 2016, is amended
30 by adding the following new paragraph:

31 NEW PARAGRAPH. d. "Autocycle" means a motorcycle with two
32 front wheels and one rear wheel, a steering wheel, one or more
33 permanent seats that do not require the operator or a passenger
34 to straddle or sit astride a seat, and foot pedals that control
35 the brakes, acceleration, and clutch, where applicable.

1 Sec. 12. Section 321.180, subsection 1, paragraph b,
2 subparagraph (2), Code 2016, is amended to read as follows:

3 (2) However, if the permittee is operating a motorcycle
4 that is not an autocycle with two or more seats in accordance
5 with [this section](#) or [section 321.180B](#), the accompanying person
6 must be within audible and visual communications distance from
7 the permittee and be accompanying the permittee on or in a
8 different motor vehicle. Only one permittee shall be under the
9 immediate supervision of an accompanying qualified person.

10 Sec. 13. Section 321.180B, subsection 1, paragraph c,
11 subparagraph (2), Code 2016, is amended to read as follows:

12 (2) If the permittee is operating a motorcycle that is
13 not an autocycle with two or more seats in accordance with
14 this section, the accompanying person must be within audible
15 and visual communications distance from the permittee and be
16 accompanying the permittee on or in a different motor vehicle.
17 Only one permittee shall be under the immediate supervision of
18 an accompanying qualified person.

19 Sec. 14. Section 321.189, subsection 1, paragraph a,
20 subparagraphs (3) and (5), Code 2016, are amended to read as
21 follows:

22 (3) Class C — Valid for the operation of a vehicle, other
23 than a motorcycle that is not an autocycle, or a combination of
24 vehicles with a gross combination weight rating of twenty-six
25 thousand one or more pounds provided the towing vehicle has a
26 gross vehicle weight rating of less than twenty-six thousand
27 one pounds and each towed vehicle has a gross vehicle weight
28 rating of less than ten thousand one pounds, or a combination
29 of vehicles with a gross vehicle weight rating or gross
30 combination weight rating of less than twenty-six thousand
31 one pounds, and also valid for the operation of any vehicle,
32 other than a motorcycle that is not an autocycle, for which
33 the operator is exempt from commercial driver's license
34 requirements under [section 321.176A](#), and also valid for the
35 operation of an autocycle.

1 (5) Class M — Valid for the operation of a motorcycle that
2 is not an autocycle.

3 Sec. 15. Section 321.191, subsection 5, Code 2016, is
4 amended to read as follows:

5 5. *Licenses valid for motorcycles.* An additional fee of two
6 dollars per year of license validity is required to issue a
7 license valid to operate a motorcycle that is not an autocycle.

8 Sec. 16. Section 321.275, subsection 2, paragraph b, Code
9 2016, is amended to read as follows:

10 *b. Motorcycles.* A person shall not operate or ride
11 a motorcycle on the highways with another person on the
12 motorcycle unless the motorcycle is designed to carry more than
13 one person. ~~The~~ If the motorcycle is not an autocycle, the
14 additional passenger may ride upon the motorcycle's permanent
15 and regular seat if the seat is designed for two persons, or
16 upon another seat firmly attached to the motorcycle at the
17 rear of the operator. If the motorcycle is an autocycle, the
18 passenger may ride in a permanent and regular seat within
19 the autocycle designed for a passenger. ~~The~~ A motorcycle
20 that is not an autocycle shall be equipped with footrests for
21 the passenger unless the passenger is riding in a sidecar or
22 enclosed cab. The motorcycle operator shall not carry any
23 person nor shall any other person ride in a position that will
24 interfere with the operation or control of the motorcycle or
25 the view of the operator.

26 Sec. 17. Section 321.275, subsections 3, 5, and 6, Code
27 2016, are amended to read as follows:

28 3. *Sitting position.* A person operating a motorcycle or
29 motorized bicycle shall ride only upon the vehicle's permanent
30 and regular attached seat. Every person riding upon ~~the~~
31 ~~vehicle~~ a motorcycle that is not an autocycle shall be sitting
32 astride the seat, facing forward with one leg on either side
33 of the vehicle.

34 5. *Headlights on.* A person shall not operate a 1977
35 or later model year motorcycle that is not an autocycle or

1 any model year motorized bicycle upon the highways without
2 displaying at least one lighted headlamp of the type described
3 in [section 321.409](#). A person shall not operate any model year
4 autocycle upon the highways without displaying at least two
5 lighted headlamps of the type described in section 321.409.
6 However, [this subsection](#) is subject to the exceptions with
7 respect to parked vehicles as provided in [this chapter](#).

8 6. *Packages*. The operator of a ~~motorcycle~~ or motorized
9 bicycle or motorcycle that is not an autocycle shall not carry
10 any package, bundle, or other article which prevents the
11 operator from keeping both hands on the handlebars.

12 Sec. 18. Section 321.385, Code 2016, is amended to read as
13 follows:

14 **321.385 Headlamps on motor vehicles.**

15 Every motor vehicle other than a ~~motorcycle~~ or motorized
16 bicycle or motorcycle that is not an autocycle shall be
17 equipped with at least two headlamps with at least one on each
18 side of the front of the motor vehicle, which headlamps shall
19 comply with the requirements and limitations set forth in this
20 chapter.

21 Sec. 19. Section 321.386, Code 2016, is amended to read as
22 follows:

23 **321.386 Headlamps on motorcycles and motorized bicycles.**

24 Every ~~motorcycle~~ and motorized bicycle and motorcycle
25 that is not an autocycle shall be equipped with at least one
26 and not more than two headlamps which shall comply with the
27 requirements and limitations of [this chapter](#).

28 Sec. 20. Section 321.409, subsection 1, unnumbered
29 paragraph 1, Code 2016, is amended to read as follows:

30 Except as hereinafter provided, the headlamps or the
31 auxiliary driving lamp or the auxiliary passing lamp or
32 combination thereof on motor vehicles other than ~~motorcycles~~
33 ~~or~~ motorized bicycles or motorcycles that are not autocycles
34 shall be so arranged that the driver may select at will between
35 distributions of light projected to different elevations and

1 the lamps may, in addition, be so arranged that selection can
2 be made automatically, subject to the following limitations:

3 Sec. 21. Section 321.409, subsection 2, Code 2016, is
4 amended to read as follows:

5 2. Every new motor vehicle, other than a ~~motorcycle~~ or
6 motorized bicycle or motorcycle that is not an autocycle, which
7 has multiple-beam road-lighting equipment shall be equipped
8 with a beam indicator, which shall be lighted whenever the
9 uppermost distribution of light from the headlamps is in use,
10 and shall not otherwise be lighted. The indicator shall be
11 so designed and located that when lighted it will be readily
12 visible without glare to the driver of the vehicle.

13 Sec. 22. Section 321.415, subsection 2, Code 2016, is
14 amended to read as follows:

15 2. The provisions of subsection 1, paragraphs "a" and
16 "b", do not apply to ~~motorcycles~~ or motorized bicycles or
17 motorcycles that are not autocycles being operated between
18 sunrise and sunset.

19 Sec. 23. Section 321.430, subsections 1 and 2, Code 2016,
20 are amended to read as follows:

21 1. Every motor vehicle, other than a ~~motorcycle~~, or
22 motorized bicycle or motorcycle that is not an autocycle, when
23 operated upon a highway shall be equipped with brakes adequate
24 to control the movement of and to stop and hold such vehicle,
25 including two separate means of applying the brakes, each of
26 which means shall be effective to apply the brakes to at least
27 two wheels. If these two separate means of applying the brakes
28 are connected in any way, they shall be so constructed that
29 failure of any one part of the operating mechanism shall not
30 leave the motor vehicle without brakes on at least two wheels.

31 2. Every ~~motorcycle~~ and motorized bicycle and motorcycle
32 that is not an autocycle, when operated upon a highway, shall
33 be equipped with at least one brake, which may be operated by
34 hand or foot.

35 Sec. 24. Section 321.430, subsection 4, paragraph a, Code

1 2016, is amended to read as follows:

2 *a.* Any ~~motorcycle or~~ motorized bicycle or motorcycle that is
3 not an autocycle.

4 Sec. 25. Section 321.445, subsection 1, Code 2016, is
5 amended to read as follows:

6 1. Except for ~~motorcycles or~~ motorized bicycles or
7 motorcycles that are not autocycles, 1966 model year or
8 newer motor vehicles subject to registration in Iowa shall be
9 equipped with safety belts and safety harnesses which conform
10 with federal motor vehicle safety standard numbers 209 and 210
11 as published in 49 C.F.R. §571.209 – 571.210 and with prior
12 federal motor vehicle safety standards for seat belt assemblies
13 and seat belt assembly anchorages applicable for the motor
14 vehicle's model year.

15 Sec. 26. Section 321.445, subsection 2, paragraph a, Code
16 2016, is amended to read as follows:

17 *a.* The driver and front seat occupants of a type of motor
18 vehicle that is subject to registration in Iowa, except a
19 ~~motorcycle or a~~ motorized bicycle or motorcycle that is not an
20 autocycle, shall each wear a properly adjusted and fastened
21 safety belt or safety harness any time the vehicle is in
22 forward motion on a street or highway in this state except
23 that a child under eighteen years of age shall be secured as
24 required under [section 321.446](#).

25 Sec. 27. Section 321.446, subsections 1 and 2, Code 2016,
26 are amended to read as follows:

27 1. *a.* A child under one year of age and weighing less
28 than twenty pounds who is being transported in a motor vehicle
29 subject to registration, except a school bus or motorcycle
30 that is not an autocycle, shall be secured during transit in a
31 rear-facing child restraint system that is used in accordance
32 with the manufacturer's instructions.

33 *b.* A child under six years of age who does not meet the
34 description in paragraph "a" and who is being transported in a
35 motor vehicle subject to registration, except a school bus or a

1 motorcycle that is not an autocycle, shall be secured during
2 transit by a child restraint system that is used in accordance
3 with the manufacturer's instructions.

4 2. A child at least six years of age but under eighteen
5 years of age who is being transported in a motor vehicle
6 subject to registration, except a school bus or a motorcycle
7 that is not an autocycle, shall be secured during transit by
8 a child restraint system that is used in accordance with the
9 manufacturer's instructions or by a safety belt or safety
10 harness of a type approved under [section 321.445](#).

11 Sec. 28. Section 322D.1, subsection 7, Code 2016, is amended
12 by striking the subsection and inserting in lieu thereof the
13 following:

14 7. "*Motorcycle*" means a motorcycle, including an autocycle,
15 as those terms are defined in section 321.1. "*Motorcycle*" does
16 not include an all-terrain vehicle.

17 DIVISION III

18 REPAIRED SALVAGE MOTOR VEHICLES

19 Sec. 29. Section 321.24, subsection 5, Code 2016, is amended
20 to read as follows:

21 5. If the prior certificate of title is from another state
22 and indicates that the vehicle was junked, an Iowa junking
23 certificate shall be issued according to section 321.52,
24 subsections 2 and 3. If the prior certificate of title
25 from another state indicates that the vehicle is salvaged
26 and not rebuilt or is a salvage certificate of title, an
27 Iowa salvage certificate of title shall be issued and a
28 "SALVAGE" designation shall be retained on all subsequent
29 Iowa certificates of title and registration receipts for
30 the vehicle, ~~except~~ unless the owner has surrendered the
31 prior certificate of title and a salvage theft examination
32 certificate, as provided under [section 321.52, subsection 4,](#)
33 paragraph "b", and the salvage theft examination certificate
34 was properly executed within thirty days of the date the owner
35 was assigned the prior certificate of title. The department

1 may require that subsequent Iowa certificates of title retain
2 other states' designations which indicate that a vehicle had
3 incurred prior damage. The department shall determine the
4 manner in which other states' rebuilt, salvage, or other
5 designations are to be indicated on Iowa titles.

6 Sec. 30. Section 321.52, subsection 4, paragraph c, Code
7 2016, is amended to read as follows:

8 c. A salvage theft examination shall be made by a peace
9 officer who has been specially certified and recertified when
10 required by the Iowa law enforcement academy to do salvage
11 theft examinations. The Iowa law enforcement academy shall
12 determine standards for training and certification, conduct
13 training, and may approve alternative training programs
14 which satisfy the academy's standards for training and
15 certification. The owner of the salvage vehicle shall make
16 the vehicle available for examination at a time and location
17 designated by the peace officer doing the examination. The
18 owner may obtain a permit to drive the vehicle to and from the
19 examination location by submitting a repair affidavit to the
20 agency performing the examination stating that the vehicle is
21 reasonably safe for operation and listing the repairs which
22 have been made to the vehicle. The owner must be present
23 for the examination and have available for inspection the
24 salvage title, bills of sale for all essential parts changed,
25 if applicable, and the repair affidavit. The examination
26 shall be for the purposes of determining whether the vehicle
27 or repair components have been stolen. The examination is not
28 a safety inspection and a signed salvage theft examination
29 certificate shall not be construed by any court of law to be a
30 certification that the vehicle is safe to be operated. There
31 shall be no cause of action against the peace officer or the
32 agency conducting the examination or the county treasurer
33 for failure to discover or note safety defects. If the
34 vehicle passes the theft examination, the peace officer shall
35 indicate that the vehicle passed examination on the salvage

1 theft examination certificate. The permit and salvage theft
2 examination certificate shall be on controlled forms prescribed
3 and furnished by the department. The owner shall pay a fee of
4 thirty dollars ~~upon completion of~~ at the time the examination
5 is scheduled. The agency performing the examinations shall
6 retain twenty dollars of the fee and shall pay five dollars
7 of the fee to the department and five dollars of the fee to
8 the treasurer of state for deposit in the general fund of
9 the state. Moneys deposited to the general fund under this
10 paragraph are subject to the requirements of [section 8.60](#) and
11 shall be used by the Iowa law enforcement academy to provide
12 for the special training, certification, and recertification of
13 officers as required by [this subsection](#).

14 DIVISION IV

15 SPECIAL MINOR'S DRIVER'S LICENSES

16 Sec. 31. Section 321.194, subsection 1, paragraph a,
17 subparagraph (2), Code 2016, is amended to read as follows:

18 (2) During the hours of 5:00 a.m. to 10:00 p.m. over
19 the most direct and accessible route between the licensee's
20 residence or school of enrollment and a school that is not
21 the ~~student's~~ licensee's school of enrollment, but is within
22 or contiguous to the licensee's district of residence, for
23 the purpose of participating in extracurricular activities
24 conducted under a sharing agreement with the student's school
25 of enrollment.

26 DIVISION V

27 OVERSIZE AND OVERWEIGHT MOTOR VEHICLES

28 Sec. 32. Section 321E.7, subsection 1, Code 2016, is amended
29 by adding the following new paragraph:

30 NEW PARAGRAPH. e. Vehicles operating under a permit issued
31 pursuant to section 321E.8, 321E.9, or 321E.9A may have a gross
32 weight not to exceed forty-six thousand pounds on a single
33 tandem axle of the truck tractor and a gross weight not to
34 exceed forty-six thousand pounds on a single tandem axle of the
35 trailer or semitrailer if each axle of each tandem group has at

1 least four tires.

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DIVISION VI

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AIRCRAFT

4 Sec. 33. Section 328.24, subsection 1, Code 2016, is amended
5 to read as follows:

6 1. If, during the year for which an aircraft, except
7 ~~nonresident~~ aircraft used for the application of herbicides
8 and pesticides, was registered and the required fee paid, the
9 aircraft is destroyed by fire or accident or junked, and its
10 identity as an aircraft entirely eliminated, or the aircraft
11 is removed and continuously used beyond the boundaries of the
12 state, then the owner in whose name it was registered at the
13 time of destruction, dismantling, or removal from the state
14 shall return the certificate of registration to the department
15 within thirty days and make affidavit of the destruction,
16 dismantling, or removal and make claim for the refund. The
17 refund shall be paid from the general fund of the state.

18

EXPLANATION

19

The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

20

21 DIVISION I — RECURRING PAYMENT PLANS. Current law allows a
22 person with court debt to enter into an installment agreement
23 with a county attorney or private collection designee for
24 payment of the court debt. This bill allows a person to
25 enter into a recurring payment plan with the department of
26 transportation (DOT) for payment of the court debt if the
27 person's driver's license has been suspended pursuant to Code
28 section 321.210A or the person has unpaid civil penalties
29 imposed under Code section 321.218A, 321A.32A, or 321J.17, and
30 if the unpaid court debt is not otherwise subject to an active
31 installment agreement. A person who has only unpaid civil
32 penalties may execute a recurring payment plan with the DOT for
33 payment of the unpaid civil penalties. The bill allows the DOT
34 to assess to the person, and include in the automatic monthly
35 payment, a fee to cover the cost of collection.

1 The DOT may begin to collect court debt 60 days after the
2 court debt is deemed delinquent if the court debt is not
3 part of an installment agreement with a private collection
4 designee or county attorney. Like county attorneys, the DOT
5 is prohibited from collecting amounts collected for victim
6 restitution, the victim compensation fund, the criminal penalty
7 surcharge, sex offender civil penalty, drug abuse resistance
8 education surcharge, the law enforcement initiative surcharge,
9 county enforcement surcharge, amounts collected as a result of
10 setoff procedures, or fees charged pursuant to Code section
11 356.7.

12 Upon execution of a recurring payment plan and receipt
13 of the first monthly payment, the bill requires the DOT to
14 terminate all license suspensions and show as satisfied all
15 civil penalties within the scope of the recurring payment plan,
16 and to reinstate the driver's license of the person unless the
17 driver's license of the person is otherwise suspended, revoked,
18 denied, or barred under another provision of law.

19 If the person fails to make two or more consecutive monthly
20 payments, the bill requires the DOT to terminate the recurring
21 payment plan, reinstate all license suspensions the basis of
22 which remain unsatisfied under the recurring payment plan,
23 and show as unsatisfied all civil penalties within the scope
24 of the recurring payment plan that remain unsatisfied. A
25 person who executes a recurring payment plan waives the right
26 to appeal or otherwise contest a suspension reinstated in
27 this way, but has the right to an accounting of the DOT's
28 application of the funds received to the amount due, and to
29 contest the accounting. A person whose recurring payment plan
30 has been terminated may reactivate the recurring payment plan
31 by electronically affirming the payment plan and resuming
32 payments under the plan. A person whose driver's license
33 suspension is reinstated for the sole reason that the person
34 failed to make the required monthly payments shall not be
35 required to surrender the person's driver's license to the

1 DOT, and may retain the license for identification purposes
2 and, if otherwise valid, use the license for driving purposes
3 upon reactivation of the payment plan and reinstatement of the
4 license.

5 The bill allows new court debt and civil penalties to
6 be added to the recurring payment plan. If new court debt
7 or civil penalties are added, the bill allows the DOT to
8 recalculate the minimum monthly payment under the recurring
9 payment plan.

10 The bill requires the DOT to transmit civil penalties
11 collected under Code sections 321.218A and 321A.32A to the
12 treasurer of state for deposit in the juvenile detention home
13 fund, in accord with current law. The bill also requires the
14 DOT to transmit civil penalties collected under Code section
15 321J.17 to the treasurer of state for deposit in the victim
16 compensation fund and the general fund of the state, in accord
17 with current law. The bill requires the DOT to transmit any
18 other moneys collected to the state court administrator for
19 distribution under Code section 602.8108.

20 DIVISION II — AUTOCYCLES. The bill defines an autocycle
21 as a motorcycle with two front wheels and one rear wheel, a
22 steering wheel, one or more permanent seats that do not require
23 the operator or a passenger to straddle or sit astride a seat,
24 and foot pedals that control the brakes, acceleration, and
25 clutch. Under the bill, autocycles are treated as motorcycles
26 under the Code, including for purposes of registration and
27 display of one license plate, except that autocycles are
28 required to operate with two front headlamps, may transport
29 packages in the vehicle, must be operated under a class C
30 driver's license instead of a class M driver's license, are not
31 exempt from lighting equipment requirements, are not exempt
32 from brake requirements generally applicable to motor vehicles,
33 and are not exempt from safety belt and child restraint
34 requirements generally applicable to motor vehicles.

35 DIVISION III — REPAIRED SALVAGE MOTOR VEHICLES. Current

1 law requires the owner of a repaired vehicle with a salvage
2 certificate of title from another state to apply for and be
3 issued an Iowa salvage certificate of title before the owner
4 may apply for and be issued an Iowa certificate of title
5 indicating the repaired vehicle was previously titled as
6 salvage. The bill allows the owner of a repaired vehicle to
7 obtain an Iowa certificate of title indicating the repaired
8 vehicle was previously titled as salvage by surrendering the
9 foreign salvage certificate of title and a salvage theft
10 examination certificate properly executed within 30 days of the
11 date the owner was assigned the foreign certificate of title.

12 Under current law, the \$30 fee for a salvage theft
13 examination is due upon completion of the examination.
14 The bill requires the \$30 fee to be paid at the time the
15 examination is scheduled.

16 DIVISION IV — SPECIAL MINOR'S DRIVER'S LICENSES. Under
17 current law, a special minor's driver's license entitles the
18 licensee to travel between the licensee's residence or school
19 of enrollment and a school that is not the licensee's school of
20 enrollment for the purpose of participating in extracurricular
21 activities. The bill requires the school that is not the
22 licensee's school of enrollment to be within or contiguous to
23 the licensee's district of residence.

24 DIVISION V — OVERSIZE AND OVERWEIGHT MOTOR VEHICLES.
25 Current law limits the weight of a vehicle operating under a
26 permit related to excessive size and weight to 20,000 pounds
27 per axle, or 40,000 pounds per tandem axle. The bill allows
28 such vehicles to have a weight of 46,000 pounds on a single
29 tandem axle of the truck tractor and 46,000 pounds on a single
30 tandem axle of the trailer or semitrailer if each axle of each
31 tandem group has at least four tires.

32 DIVISION VI — AIRCRAFT. Under current law, the owner of an
33 aircraft may receive a registration refund if the aircraft is
34 destroyed by fire or accident or junked, and its identity as an
35 aircraft entirely eliminated, or the aircraft is removed and

1 continuously used beyond the boundaries of the state. However,
2 nonresident owners of aircraft used for the application of
3 herbicides and pesticides are prohibited from receiving a
4 refund. The bill prohibits all owners of aircraft used for
5 the application of herbicides and pesticides from receiving a
6 refund.